

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Civil Action No. 05-CV-40147-FDS

Tommark, Inc. d/b/a)
Sterling Associates,)
Plaintiff)

v.)

Travelers Property Casualty)
Company of America f/k/a)
Travelers Indemnity Company)
of Illinois and Travelers)
Indemnity Company,)
Defendants)

**JOINT MOTION TO
AMEND SCHEDULING ORDER**

COME NOW Plaintiff, Tommark, Inc. ("Tommark") and Defendants, Travelers Indemnity Company and Travelers Property Casualty Company of America f/k/a Travelers Indemnity Company of Illinois (collectively, "Travelers"), by and through their respective undersigned counsel, and request that this Honorable Court extend the current deadlines for two (2) months. In support, the parties state as follows:

1. This case involves a dispute regarding whether Tommark was entitled to a defense in connection with an underlying trademark infringement lawsuit pursuant to certain insurance policies issued by Travelers.

2. On January 18, 2006, this Court issued a Scheduling Order

3. The parties have exchanged discovery responses and are working cooperatively on following up these responses.

4. An additional two (2) month period is required to complete depositions and thereafter be in a position to file dispositive motions on this policy interpretation case. The allowance of this motion would be in the best interest of the parties, as well as

serving the interests of judicial economy. The parties anticipate being able to complete the remaining discovery within the time frame set forth herein. Accordingly, the parties jointly move to amend the Scheduling Order as follows:

Event	Current	Proposed
Fact Discovery – Final Deadline	August 31, 2006	October 31, 2006
Deadline for taking depositions, other than expert depositions	August 1, 2006	October 31, 2006
Dispositive Motions Deadline		
1. Deadline for moving papers	1 September 15, 2006	1. November 15, 2006
2. Deadline for opposition papers	2 October 15, 2006	2. December 15, 2006

5. Modification of pretrial orders, including a scheduling order, are within the sound discretion of the Court FedR.Civ.P. 16(b); United States v. Charles George Trucking, Inc., 34F 3d 1081; 1090 (1st Cir 1994) (district court has considerable discretion in case management and may modify previous Rule 16 orders at its pleasure).

CONCLUSION

For reasons set forth above, the parties submit that good cause exists to amend the Scheduling Order as requested.

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